



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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December 5, 2002

IN REPLY PLEASE
REFER TO FILE: PD-6

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**COUNTY CONSENT TO ACQUISITION OF PROPERTY FOR ROAD PURPOSES AND
CONSENTING TO THE AVENUE S CORRIDOR BECOMING A CITY STREET
CITY OF PALMDALE
SUPERVISORIAL DISTRICT 5
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the enclosed Resolution approved as to form by County Counsel consenting to the City of Palmdale's acquisition of property along Avenue S within County unincorporated area for road purposes and consenting to the Avenue S Corridor becoming a City street.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On November 13, 2001, your Board approved Cooperative Agreement No. 73707 between the County and the City of Palmdale for the widening and improvement of Avenue S from State Route 14 to Sierra Highway (Avenue S Corridor). The agreement provided for the City to perform right-of-way acquisition and preliminary engineering at City expense and administer the construction of the project with the County and the City to finance the jurisdictional share of the local match of the construction cost of the project. It is necessary for the City to acquire property along the Avenue S Corridor, which is outside the City boundaries and within unincorporated County area. California Streets and Highway Code Section 1810 requires the County to consent to the acquisition of these

properties by the City. In addition, the City of Palmdale requests that the entire Avenue S Corridor become a City street, which requires the County to relinquish control of the existing portions of Avenue S within the unincorporated areas of the County of Los Angeles to the City of Palmdale.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic plan Goal of Service Excellence as it provides for a project to improve roadway conditions on an arterial of regional significance for the benefit of the motoring public.

FISCAL IMPACT/FINANCING

There will be a minor decrease in the maintenance cost incurred by the County in the Road Fund and Lighting District Fund as a result of the adoption of this Resolution. There will be no impact to the County's General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed Resolution, which has been approved as to form by County Counsel, provides for the City of Palmdale to acquire property outside its City boundaries within the unincorporated County for road purposes for the Avenue S Corridor. The Resolution also provides for the Avenue S Corridor to become a City street for the purposes of grading, and construction and maintenance of roadway, parkway, bikeway, street lighting, traffic signal, utility, railroad crossing, landscaping, and drainage improvements.

The Avenue S Corridor is a major arterial of regional significance. Therefore, the County will continue to honor its commitment to provide \$1,234,900 towards the construction cost of the Avenue S Corridor road improvements as provided under the terms and conditions of Cooperative Agreement No. 73707, approved by your Board on November 13, 2001, Synopsis No. 27.

Furthermore, the Resolution provides that effective on the date of approval, all expenses necessary for the administration, operation, maintenance, repairs, replacement, and all other items necessary for proper operation and maintenance of existing street lights located within the unincorporated portions of the Avenue S Corridor shall become the responsibility of the City of Palmdale.

The Honorable Board of Supervisors
December 5, 2002
Page 3

ENVIRONMENTAL DOCUMENTATION

The project is located within the City of Palmdale and the County, and consists of acquiring right of way and widening the roadway along the Avenue S Corridor from State Highway 14 to Sierra Highway. A Mitigated Negative Declaration was prepared by the City pursuant to the California Environmental Quality Act. The Mitigated Negative Declaration was approved by the City on April 12, 2001, and by your Board on November 13, 2001, Synopsis No. 27.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Avenue S is on the County's Highway Plan, and the proposed improvements are needed and of general County interest.

CONCLUSION

Please return one approved copy of this letter to Public Works with an executed copy of the Resolution.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

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C020944
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Enc.

cc: Chief Administrative Office
County Counsel

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES, CALIFORNIA, CONSENTING TO THE
ACQUISITION BY THE CITY OF PALMDALE OF RIGHT OF WAY,
WHICH IS LOCATED OUTSIDE ITS BOUNDARIES AND WITHIN THE
UNINCORPORATED AREA OF THE COUNTY OF LOS ANGELES,
FOR THE PURPOSE OF STREET WIDENING ON AVENUE S

WHEREAS, the City of Palmdale proposes to widen and improve portions of the Avenue S Corridor from State Highway 14 to the boundary of the unincorporated area of the County of Los Angeles and the City of Palmdale approximately 1.1 miles easterly at Sierra Highway pursuant to Cooperative Agreement No. 73707 between the County and the City of Palmdale; and

WHEREAS, it is necessary for the City of Palmdale to acquire right of way along the Avenue S Corridor within the area generally described on the attached Exhibit A for the purposes of widening and improving the road, which is an existing City Street; and

WHEREAS, portions of the right of way to be acquired for the widening and improvement of the Avenue S Corridor are within the unincorporated area of the County of Los Angeles; and

WHEREAS, pursuant to Section 1810 of the California Streets and Highways Code, a city may acquire property in unincorporated areas of the County in which the city is located provided that the acquired property is necessary to widen the existing street of the acquiring city and the County consents to the acquisition; and

WHEREAS, California Streets and Highways Code Section 1810 also provides that the property acquired pursuant to this Section shall be deemed a City street for all purposes; and

WHEREAS, the City of Palmdale desires that the entire Avenue S Corridor become a City street, which requires the County of Los Angeles to relinquish control of the existing portions of Avenue S within the unincorporated area of the County of Los Angeles to the City of Palmdale.

WHEREAS, the City of Palmdale did, on August 14, 2002, pass, approve, and adopt a Resolution, attached as Exhibit B, requesting the County of Los Angeles to consent to the City of Palmdale's acquisition of property lying within the unincorporated areas of the County of Los Angeles for the purpose of widening and improving the Avenue S Corridor, an existing City street; and resolving that the property acquired pursuant to the Resolution shall be a City street for all purposes and requesting the County of Los Angeles to relinquish control to the City of Palmdale, those existing portions of Avenue S in the unincorporated area of the County of Los Angeles within the area of land, which is generally described in Exhibit A for the purpose of widening and improving Avenue S, which are existing City streets of the City of Palmdale; those portions of Avenue S becoming a City street for all purposes to include, but not limited to, grading, construction, and maintenance of roadway, parkway, bikeway, street lighting, traffic signal, utility, railroad crossing, landscaping, and drainage improvements.

NOW, THEREFORE, the Board of Supervisors of the County of Los Angeles does hereby resolve as follows:

Section 1. Subject to the terms and conditions set forth herein, the County of Los Angeles consents, pursuant to Section 1810 of the California Streets and Highways Code, to the acquisition by the City of Palmdale of rights of way within unincorporated territory of the County of Los Angeles, within an area generally described on Exhibit A, required to widen and improve the Avenue S Corridor, an existing City street of the City of Palmdale.

Section 2. Pursuant to Section 1810 of the California Streets and Highways Code, all rights of way within the unincorporated territory of the County of Los Angeles, including fee title, slope easements, drainage easements, and any and all other property rights necessary for the construction, maintenance, and operation of the road, acquired by the City of Palmdale for the purposes stated herein shall become a City street for all purposes.

Section 3. The County of Los Angeles hereby relinquishes control and jurisdiction to the City of Palmdale, those existing portions of Avenue S in the unincorporated area of the County of Los Angeles within the area of land, which is generally described in Exhibit A for all purposes to include, but not limited to, grading, construction, and maintenance of roadway, parkway, bikeway, street lighting, traffic signal, utility, railroad crossing, landscaping, and drainage improvements.

Section 4. Effective the date of approval of this Resolution, all expenses necessary for the administration, operation, maintenance, repairs, replacement, and all other items necessary for proper operation and maintenance of existing street lights located within the unincorporated portions of the Avenue S Corridor shall become the responsibility of the City of Palmdale.

Section 5. The terms and conditions set forth in Cooperative Agreement No. 73707 between the County and the City of Palmdale shall remain in effect. The County will continue to honor its commitment to provide \$1,234,900 for the Avenue S Corridor road improvements.

Section 6. The City of Palmdale shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any liability imposed for injury occurring by reason of any acts or omissions on the part of City in connection with any work performed within the Avenue S Corridor for the purpose of widening and improving the existing City streets of the City of Palmdale, which are located within said Avenue S Corridor.

Section 7. The City shall reimburse the County for any court and attorney's fees, which the County may be required to pay as a result of any claim or action brought against the County because of the Board's adoption of this Resolution. Although the City will be the real party in interest in any such action, the County may, at its sole discretion, participate at its own expense in the defense of the action. Such participation shall not relieve the City of any obligation under this condition.

Section 8. If any provision of this Resolution is held or declared to be invalid, the Resolution shall be void and the consent granted hereunder shall lapse.

The foregoing Resolution was on the _____ day of _____, 2002, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

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